



# MONTGOMERY COUNTY, VIRGINIA

## Application for Rezoning and Special Use Permits

### I. REZONING:

The land in Montgomery County has been divided into zoning districts. Within each of these districts, certain uses of the land and certain minimum lot sizes are allowed. It is often the desire of the landowner to use his land for a purpose other than those allowed in the land's present zoning. When this is the case, the owner may apply to have the land rezoned to a district, which allows for the desired use. In a rezoning, the desired land use is compared with the uses around the land in question. Neighbors' views and the possible benefits and costs to the people of Montgomery County are also taken into consideration, along with matters like the availability of water and sewer lines, accessibility, slope of the land, existing use, potential problems due to poor soils, flood proneness, and so on. Consistency with the Comprehensive Plan is of major importance. If the Planning Commission and the Board of Supervisors, after considering all sides of a request, feel that the request is in the County's best interest, then the land in question is rezoned into a new zoning district.

### II. SPECIAL USE PERMITS:

There is sometimes a need to attach conditions to a new use to help it fit into its surrounding area, regardless of whether the land requires rezoning. It is a requirement, therefore, that certain new land uses receive a Special Use Permit before beginning operation. Requiring that a new business has limited operating hours is an example of the type of condition that could be adopted. Requiring landscaping or screening, increasing the number of parking spaces, or limiting the size of a special use are other examples. A Special Use Permit is obtained in the same manner as a rezoning.

#### **Please Note:**

1. Authorization of a special use shall be void after two years unless substantial construction has taken place. However, the Board of Supervisors may extend authorization for an additional period not to exceed one year upon request by the applicant.
2. If any special use is discontinued for a period exceeding two years after the granting of such a permit, it shall be deemed abandoned and such authorization for a special use shall be void.

### III. APPLICATION PROCESS

The application process begins when a completed application is filed and accepted at the Department of Planning and GIS Services office. The attached checklist identifies all items that are required before an application is deemed complete. Unsigned or incomplete applications will be deemed incomplete and will not be processed by staff until it is deemed complete. A pre-application meeting with a member of the planning staff is required for planned unit development requests and is highly encouraged for all other requests.

Planning Staff shall advise the applicant in writing as to whether the application is deemed complete or incomplete. If the application is deemed incomplete Planning Staff will advise the applicant what additional information is required before the application is deemed complete and ready for processing.

## MONTGOMERY COUNTY, VIRGINIA



After the Planning Director deems an application complete, planning department staff, as well as other appropriate departments and agencies will review the application. A meeting is held with the applicant, at which time potential issues can be discussed. The planning staff then makes a recommendation to the Planning Commission.

The Planning Commission holds a public hearing to solicit public comment on the proposal. Following the public hearing, the Commission makes a recommendation to the Board of Supervisors. The recommendation may be for denial, approval, or approval if certain changes are made.

The applicant will have time to amend their request at this point. The Board of Supervisors then holds a public hearing to receive public comment. Assuming that there are no issues that need to be addressed, the applicant's request is placed on the Board of Supervisors agenda at their next scheduled meeting for the Board's consideration.

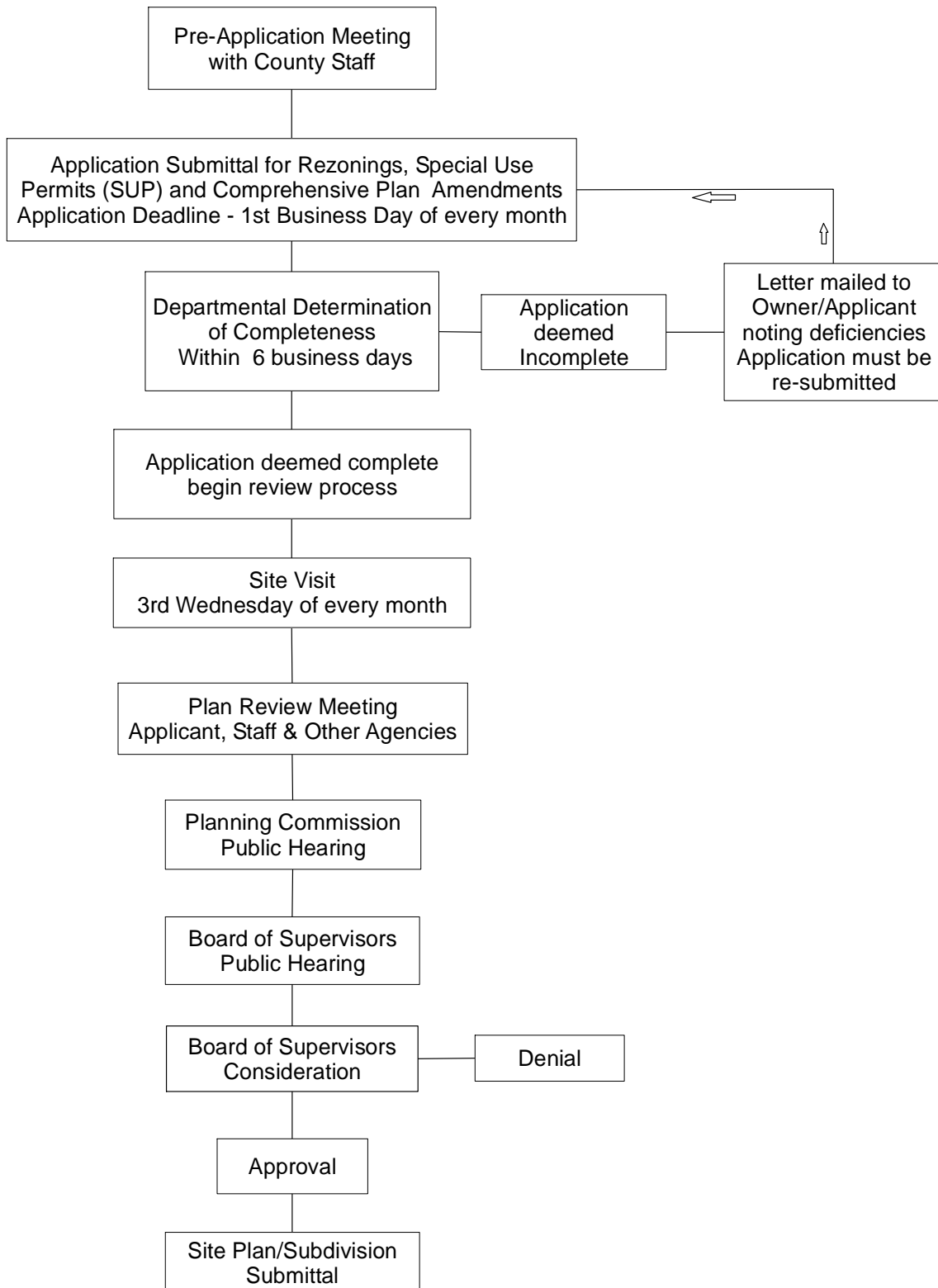
The entire process takes about nine weeks. If either the Planning Commission or the Board of Supervisors decides that further information is needed, they can delay the process for a time. These delays can be avoided by providing as much information at the beginning of the process as possible.



## IV. APPROXIMATE SCHEDULE

| APPLICATION PREPARATION & SUBMISSION          |  |
|---|--|
|   | <b>Pre-Application Meeting</b>   |
| 1 <sup>st</sup> Business Day of each month    | <b>Monthly Deadline for Application Submittal</b>  |
| By 6 <sup>th</sup> Business Day of each month | <b>Departmental Determination of Completeness:</b> Either application is deemed complete and accepted for review process or application deemed incomplete and applicant is notified of deficiencies. |

| REVIEW PROCESS FOR COMPLETE APPLICATION |  |  |
|---|--|--|
| <b>Month 1</b>                          | 7 <sup>th</sup> -10 <sup>th</sup> Business Day | <b>Accepted application</b> distributed to other departments and agencies for comment                                  |
|   | 3 <sup>rd</sup> Wednesday                      | <b>Planning Commission</b> visits site and schedules public hearing.   |
|   | 3 <sup>rd</sup> or 4 <sup>th</sup> Thursday    | <b>Plan Review Meeting.</b> Planning staff meets with applicant and other departments/ agencies to review application. |
| <b>Month 2</b>                          | 1 <sup>st</sup> Wednesday                      | <b>Planning staff</b> recommendation provided to Commission and applicant.   |
|   | 2 <sup>nd</sup> Wednesday                      | <b>Planning Commission Public Hearing.</b> Public Hearing and consideration by the Planning Commission                 |
|   | 4 <sup>th</sup> Monday                         | <b>Board of Supervisors</b> Public Hearing.  |
| <b>Month 3</b>                          | 2 <sup>nd</sup> Monday                         | <b>Board of Supervisors</b> Placed on agenda for consideration   |





## Rezoning or Special Use Permit Application Checklist

**The following items are required to be submitted for a rezoning or special use permit application to be deemed complete and accepted by the Planning Staff for processing. Incomplete applications will not be processed.**

### ☐ **1. Completed Application Form**

The application form must be signed by all of the property owners. If ownership is in the name of any type of legal entity or organization including, but not limited to, a name of a corporation, partnership, or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing the application has the authority to do so. If the applicant is submitted by an agent of the owner, the agent shall sign the application as well.

### ☐ **2. Concept Development Plan**

Required for all rezoning requests (excluding A-1 and C-1 districts) and special use permits unless waived by the zoning administrator.

A concept plan is an initial plan, which shows the general nature of the land use change or development, which is intended. It differs from the final site plan, or, plot plan, which is required prior to the issuance of zoning approval and a building permit. Site plans and building permit procedures ensure compliance with state and county development regulations and may require modifications to the original concept plan.

A professional site planner or engineer should prepare concept plans. The level of needed detail may vary depending on the nature, size and complexity of the proposed project. The Zoning Administrator may grant data exemptions or require additional information depending on the nature of the project. An example of a concept plan submittal is available from the Planning Department. The following items shall be addressed with a concept plan submittal:

#### **Existing Site Features:**

- ☐ a) Name of all landowners, applicant (if different), developer, engineer/ party preparing the plans.
- ☐ b) Date, revision date(s), scale and north point of plan.
- ☐ c) Lot size in acres and/or square feet, property lines and dimensions and any easements.
- ☐ d) Vicinity sketch.
- ☐ e) Zoning and existing use of property and all adjoining properties.
- ☐ f) All existing buildings, and streets and/or other adjacent improved or unimproved rights-of-way.
- ☐ g) All existing physical features such as tree cover, natural watercourses, recorded drainage easements, and 100-year floodplain limits.
- ☐ h) Industrial/ commercial and large-scale residential developments must include contour intervals (maximum 20' intervals).



### **Proposed Site Features:**

- ☐ i) Location of proposed access areas, loading zones, SWM facilities and streets or other rights-of-way.
- ☐ j) Structures: dimensions, use and the general types of exterior materials. Outside lighting: general location, height and type, and shielding.
- ☐ k) General landscaping plan. Existing trees and shrubs are recommended to be maintained wherever possible.
- ☐ l) General location and type of screening (fences, walls, vegetation), signs and trash enclosures.
- ☐ n) If project is to be phased, please show proposed phase(s).

### ☐ **3. Comprehensive Plan Justification**

References should be made to the comprehensive plan policy sections in the text portion of the plan. The comprehensive plan map provides an overview of the future land use policy areas, but does not provide a guide to the specific land use policies adopted by Montgomery County.

Land use policies are articulated in the Planning and Land Use portion of *Montgomery County, 2025* (chapter 2), available at the Planning & GIS Services Department or on the web at [www.montva.com/departments/plan/cpfiles/compplan.php](http://www.montva.com/departments/plan/cpfiles/compplan.php).

**Villages and Village Expansion Areas.** If the proposed development, rezoning, or special use permit is located in a village or village expansion area covered by an adopted Village Plan, the proposal needs to be consistent with both the overall county comprehensive plan and with the village plan. If the proposed development, rezoning, or special use permit is located in a village or village expansion area not covered by an adopted village plan, then the proposal needs to be consistent with the overall comprehensive plan.

**Corridor Plans.** As with proposals located in the villages and village expansion areas, proposals located in corridors covered by a specific corridor plan must be consistent with both the corridor plan and the overall comprehensive plan.

The following information must be addressed concerning the County Comprehensive Plan when submitting rezoning and special use permit applications:

- ☐ Compliance with required lot minimums, district minimums, and availability of water and sewer (see attached chart on page 9)
- ☐ Describe, in specific detail, how the rezoning or special use permit request fits with the land use policies included under the appropriate land use policy area. There are seven land use policy areas: Resource Stewardship (PLU 1.2), Rural (PLU 1.3), Rural Communities (PLU 1.4), Residential Transition (PLU 1.5), Villages (PLU 1.7), Village Expansion Areas (PLU 1.6), and Urban Expansion Areas (PLU 1.8). Each area has specific policies covering land uses, community design, and community facilities and utilities.
- ☐ If the proposed rezoning or special use permit requires the addition of a road, the proposal needs to address how the new transportation facilities fit with the transportation policies (specifically interconnectivity and subdivisions) included in the transportation chapter. (TRN 1.3, TRN 1.4)



- ☐ If the proposed rezoning or special use permit requires an E and S permit (land disturbance of more than 10,000 square feet) or with large areas of impervious surface (paved parking areas, etc.), the proposal will need to address groundwater, surface water, and stormwater runoff concerns included in the Environmental Resources Chapter. (ENV6.5, ENV5.6)
- ☐ If the proposed rezoning or special use permit is part of a subdivision request, the cover letter needs to address how the proposed subdivision will meet the policies outlined in the Housing Resources chapter. (HSG 1.1, HSG 1.3)
- ☐ Current & future educational facility and program needs in County resulting from proposed rezoning and/or special use permit.
- ☐ The application must address the specific criteria for evaluating rezoning applications included in PLU 2.1, including location, public utilities, road access, public facilities and amenities, inter-parcel access, and buffers.
- ☐ Justification statement addressing “Additional Rezoning Requirements” (Pg 10-11 of application materials), “Additional Special Use Permit Requirements” (Pg 9-10 of application materials) and/or justification for Comprehensive Plan Amendment.

#### ☐ **4. Evidence of water supply and sewage disposal.**

Projects on private sewer: A preliminary report of soil conditions prepared by an Authorized Onsite Soil Evaluator (AOSE), soil consultant or Health Department.

If subdivision is being proposed, applicant shall demonstrate that all lots have suitable location for drainfield and reserve.

Projects on public sewer: Discussion as to how the project will be served by public sewer, whether there is adequate capacity to serve the project and a listing of improvements that are necessary before public sewer is available to serve the entire proposed development. A letter from Montgomery County PSA and/or other applicable sewer authority stating that they have received all necessary information to process the request for sewer. The letter should include a listing of any require fees.

Projects on private water: A preliminary report that the site can be adequately served by private water supply.

Projects on public water: Discussion as to how the project will be served by public water, whether there is adequate capacity to serve the project and a listing of improvements that are necessary before public water is available to serve the entire proposed development. A letter from Montgomery County PSA and/or other applicable water authority stating that all necessary information has been received to process the request for water shall be submitted. The letter should include a listing of any required fees.

#### ☐ **5. Transportation Impacts**

A letter from VDOT shall be provided which states either an entrance and/or street(s) can be built to meet VDOT minimum standards or listing improvements necessary to allow development.

If project is over ten (10) residential units or equivalent traffic counts or is deemed to have a substantial impact on existing transportation system, a traffic analysis may be required by planning staff to address new traffic impacts.



☐ **6. Conditional Rezoning Statement** (if applicable).

The owner of the property for which a rezoning amendment is requested may voluntarily proffer reasonable conditions on the request in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a rezoning or amendment to a zoning map in accordance with § 15.2-2298 Code of Virginia, as amended; provided that:

- a) the rezoning itself must give rise for the need for the conditions;
- b) such conditions shall have a reasonable relationship to the rezoning; and
- c) all conditions shall be in conformity with the Montgomery County Comprehensive Plan.

Please submit proposed proffered conditions with your application, if seeking conditional zoning approval.

Please note that state law requires that any changes to the proffered conditions that occur during the Planning Commission public hearing shall be made in writing, signed by the property owner(s), notarized and submitted prior to the Board of Supervisor's meeting. The proffered conditions have to be accepted by the Board of Supervisors before they are deemed to be part of the zoning approval.

☐ **7. Payment of application fee.**

The application fee shall be paid when the application is submitted. Fees are determined by the current fee schedule. Checks should be payable to "Treasurer of Montgomery County".

☐ **8. Twenty-five (25) copies.**

Twenty-five copies of all application materials must be provided. It is preferred that the materials be 3-hole punched. Please collate the application; however, do not bind the materials. You may use paperclips and/or binder clips if necessary.

☐ **9. Digital submission of application materials.**





## Application to Planning Commission and Board of Supervisors

|  |   |
|--|---|
| <b>Application For:</b> (check appropriate boxes)<br><input type="checkbox"/> Rezoning <input type="checkbox"/> Rezoning & Special Use Permit <input type="checkbox"/> Special Use Permit  |   |
| <b>Owner/Applicant Information:</b> (Use current mailing/contact information for <u>all</u> property owners. An additional sheet may be attached for multiple owners.)   |   |
| Property Owner: _____<br>Address: _____<br>_____<br>Phone 1: _____<br>Phone 2: _____<br>Email: _____   | Agent: _____<br>Address: _____<br>_____<br>Phone 1: _____<br>Phone 2: _____<br>Email: _____ |
| <b>Location of Property/ Site Address:</b> _____   |   |
| <b>Legal Record of Property:</b> Total Area: _____ Acres    Magisterial District _____<br>Parcel ID: _____ Tax Parcel Number(s): _____   |   |
| <b>Rezoning Details:</b> Current Zoning District: _____ Requested Zoning District: _____<br>Desired Use(s): _____<br>_____   |   |
| <b>Special Use Permit:</b> Current Zoning District _____ Total Area/Acres: _____<br>Desired Use(s): _____<br>_____   |   |
| <b>Comprehensive Plan Designation:</b> _____   |   |
| <b>Traffic Impact Analysis Required:</b> <input type="checkbox"/> Yes (payment enclosed) <input type="checkbox"/> No   |   |
| <i>I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.</i> |   |
| _____<br>Property Owner(s) Signature      Date   | _____<br>Agent's Signature      Date  |

### FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_

Application Number: \_\_\_\_\_

Traffic Impact Analysis and Payment Received: ☐ Yes ☐ No

Date Submitted to VDOT: \_\_\_\_\_



# Montgomery County, Virginia

## Zoning Districts by Required Lot Minimum, District Minimum, and District Designation in the Comprehensive Plan

Note: \* indicates some variation; see Zoning Ordinance for Specifics

|                              | A-1      | C-1       | RR          | R-1             | R-2             | R-3             | RM-1           | GB       | CB       | M-1       | M-L       |
|------------------------------|----------|-----------|-------------|-----------------|-----------------|-----------------|----------------|----------|----------|-----------|-----------|
| Required Lot Minimum         | 1 acre   | 2.5 acres | 1.5 acres * | 20,000 sq.ft. * | 15,000 sq.ft. * | 10,000 sq.ft. * | 6,000 sq.ft. * | 1 acre * | 1 acre * | 3 acres * | 2 acres * |
| Required District Minimum    | 10 acres | 20 acres  | 5 acres     | 3 acres         | 3 acres         | 2 acres         | 1 acre         | 5 acres  | 1 acre   | 5 acres   | *         |
| Public Water and Sewer       |          |           |             | X               | X               | X               | X              | X        | X *      | X *       | X *       |
| Urban Expansion              |          |           |             | X               | X               | X               | X              | X        | X        | X         | X         |
| Villages & Village Expansion |          |           |             | X               | X               | X               | X              | X        | X        |           | X         |
| Residential Transition       |          |           | X           | X               | X               | X               |                |          | X        |           |           |
| Rural & Rural Communities    | X        | X         | X           |                 |                 |                 |                |          | X        |           |           |
| Resource Stewardship         | X        | X         |             |                 |                 |                 |                |          |          |           |           |

### Planned Unit Development Notes:

**Planned Unit Development- Commercial (PUD-Com) & Planned Unit Development- Residential (PUD-Res)** are permitted in Village Expansion and Urban Expansion Areas.

**Planned Mobile Home Residential Parks (PMR)** are permitted in Village Expansion, Urban Expansion, and Residential Transition Areas.

**Planned Industrial Developments (PIN)** are allowed in Urban Expansion areas, although limited Light-Industrial PIN developments may also be allowed in Village Expansion Areas when the individual village plans indicate industrial development.



## Additional Rezoning Requirements

The applicant for rezoning shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's comprehensive plan.

### **Section 10-54(1)(k)(4), Montgomery County Zoning Ordinance**

**Zoning Map Amendments.** If the application is for a reclassification of property to a different zoning district classification on the Zoning Map, the applicant shall address all the following in its statement of justification or plat unless not applicable. The Planning Commission shall give reasonable consideration to the following matters:

- a) Whether the proposed zoning district classification is consistent with the Comprehensive Plan. (Addressed under "3. Comprehensive Plan Justification")
- b) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.
- c) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
- d) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
- e) The effect of the proposed rezoning on the County's ground water supply.
- f) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.
- g) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.
- h) Whether a reasonably viable economic use of the subject property exists under the current zoning.
- i) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.
- j) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.
- k) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.
- l) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.
- m) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.
- n) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county.
- o) The effect of the proposed rezoning on the provision of moderate housing by enhancing opportunities for all qualified residents of Montgomery County.
- p) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.



## Additional Special Use Permit Requirements

The applicant for special use permit shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's comprehensive plan.

### Section 10-54(3)(g), Montgomery County Zoning Ordinance

Issues for Consideration. In considering a Special Use Permit application, the following factors shall be given reasonable consideration. The application shall address all the following in its statement of justification or Special Use Permit plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan (Addressed under "3. Comprehensive Plan Justification").
2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.
3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.
5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.
6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
9. The timing and phasing of the proposed development and the duration of the proposed use.
10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.
12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.
13. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of Montgomery County.
14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services.
15. The effect of the proposed Special Use Permit on groundwater supply.
16. The effect of the proposed Special Use Permit on the structural capacity of the soils.
17. Whether the proposed use will facilitate orderly and safe road development and transportation.



18. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.
19. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
20. Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth.
21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County.
22. The location, character, and size of any outdoor storage.
23. The proposed use of open space.
24. The location of any major floodplain and steep slopes.
25. The location and use of any existing non-conforming uses and structures.
26. The location and type of any fuel and fuel storage.
27. The location and use of any anticipated accessory uses and structures.
28. The area of each use; if appropriate.
29. The proposed days/hours of operation.
30. The location and screening of parking and loading spaces and/or areas.
31. The location and nature of any proposed security features and provisions.
32. The number of employees.
33. The location of any existing and/or proposed adequate on and off-site infrastructure.
34. Any anticipated odors, which may be generated by the uses on site.
35. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.